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MINORITY MEDIA AND  
TELECOMMUNICATIONS COUNCIL - MAILROOM

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October 3, 2002

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Hon. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington, D.C. 20554

Dear Ms. Dortch:

RE: MM Docket No. 98-204 (Mass Media EEO)

Pursuant to 47 CFR §1.1206, this will disclose that in this permit-but-disclose proceeding, representatives of the Minority Media and Telecommunications Council ("MMTC") and the League of United Latin American Citizens ("LULAC") made an oral ex parte presentation at an October 2, 2002, 4:00 PM meeting with Jane Mago, Esq., Michele Ellison, Esq., Marilyn Sonn, Esq. and Louis Peraerz, Esq., each of the Office of the General Counsel. Our delegation consisted of Eduardo Peña, Esq., communications counsel for LULAC, and myself.

We presented copies of MMTC's ex parte letter (dated October 1, 2002 and filed October 2, 2002) and its exhibits and attachments. We indicated that Mr. Peña was available in the event there were questions concerning the LULAC 1993 Texas television EEO petition to deny (discussed in Mr. Peña's declaration, which is Exhibit 4 to the MTMC ex parte letter). Most of the meeting was devoted to the Blumrosens Study of discrimination in American industry, including broadcasting and cable (relevant excerpts found in Exhibit 1 to the MMTC ex parte letter). We explained its methodology and expressed our view that statistical analyses such as this can be useful in illuminating intentional discrimination. We urged that statistical data, such as that found on Form 395, should remain available for that limited purpose. Finally, we maintained that the extent of discrimination as shown in the Blumrosens study was so profound that the Commission should deem it a high priority to restore strong, enforceable EEO rules.

We indicated that common carriers and other telecom-related industries that did not have FCC-enforced EEO review were shown by the Blumrosens' study to have records of discrimination that were, in some cases, even worse than those of broadcasters and cable. In particular, we provided the following data from the Blumrosens study, which concluded, with a 95% degree of certainty, that these percentages of EEO-1 filing firms in metropolitan areas in 1999 discriminated:

Percent discriminating against African Americans:

- 32% of telephone companies
- 28% of computer and data processing services
- 33% of electronic components companies
- 20% of communications equipment companies
- 27% of communication services companies
- 20% of radio and TV broadcasters
- 36% of cable and other pay TV services

Percent discriminating against Hispanics:

- 25% of telephone companies
- 27% of computer and data processing services
- 23% of electronic components companies
- 20% of communications equipment companies
- 29% of communication services companies
- 24% of radio and TV broadcasters
- 20% of cable and other pay TV services

Percent discriminating against women:

- 30% of telephone companies
- 26% of computer and data processing services
- 26% of electronic components companies
- 25% of communications equipment companies
- 30% of communication services companies
- 15% of radio and TV broadcasters
- 19% of cable and other pay TV services

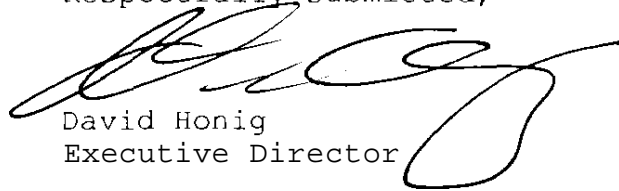
We concurred with NOW's view of the continued applicability of the EEO language in the 1984 Cable Act and the 1992 Cable Act. Further, we contended that even if these statutes had never been enacted, Sections 151 and 257 of the Telecommunications Act, being non-self-executing, gave the Commission authority to choose reasonable means of ensuring nondiscrimination; and that EEO rules would be one obvious and reasonable means of complying with these statutory provisions.

We expressed the view that Congress intended Section 257 to apply to broadcast and cable as well as Title II services, an interpretation the Commission has also adopted in a number of decisions involving Section 257.

Finally, we expressed the view that Section 151's reference to race and gender nondiscrimination in "service" inherently must include the opportunity to receive nondiscriminatory employment opportunity **at a** service provider; for example, the failure of WLBT-TV in 1966 not to provide equal employment opportunities to African Americans meant that African Americans did not in any meaningful sense receive nondiscriminatory "service" from that television station.

An original and two copies of this letter are being filed with the Secretary.

Respectfully submitted,



David Honig  
Executive Director

cc: Jane Mago, Esq.  
Michele Ellison, Esq.  
Marilyn Sonn, Esq.  
Louis Peraerz, Esq.  
Eduardo Peia, Esq.  
Richard Zaragoza, Esq.  
Henry Baumann, Esq.

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